IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 25379 of 2003**

Between:

Gudapati Seshagiri Rao, S/o. Basaveswara Rao, Hindu, R/o. Ceat Shopee, VUDA Complex, Siripuram Junction,
Visakhapatnam District.

**..... PETITIONER**

AND

1 Government of India, Rep. by its Secretary (F & P) Dept, New Delhi.
2 The Chief Manager, Andhra Bank, Guntur Branch, Kothapet, Guntur

District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction, more especially one in the nature of Writ of Mandamus or any other appropriate direction, declaring the impugned notice dt. 31.7.2003 issued by the 2nd respondent under the provisions of Sec 13 of Act, 54 of 2002 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, as illegal, arbitrary, violative of principles of natural justice and also violative of the basic principles of rule of law and fundamental rights guaranteed under the Constitution of India and set aside the same as the said provisions of Sec. 13 of the Act ultra vires and unconstitutional and consequently stay of all further proceedings pursuant to the notice Dt. 31.7.2003 issued by the 2nd Respondent bank under Sec. 13 (a) of the Securitisation and Reconstruction of

Financial Assets and Enforcement of Security Interest Act, 2002.

**Counsel for the Petitioner:MR.RAVI SHANKAR JANDHYALA**

**Counsel for the Respondent No.1: MR.ARAJASHEKAR REDDY (SC FOR CG)**

**Counsel for the Respondent No.2: Mr.Nuty Ram Mohan Rao**

**The Court made the following :**

**ORAL ORDER:** (per Hon'ble Sri Devinder Gupta, the Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

18th November, 2004

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C.V.RAMULU, J

Tvr

To

1 Government of India, Rep. by its Secretary (F & P) Dept, New Delhi.

2 The Chief Manager, Andhra Bank, Guntur Branch, Kothapet, Guntur District.

3 2 CCs to the Senior Central Government Standing Counsel, High Court Buildings, Hyderabad. (OUT).

4 2 CD copies.